

UNITE HERE Fund Administrators
An Affiliate of Amalgamated Life

UNITE HERE Fund Administrators, Inc.

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MEMO ENDORSED September 26, 2007

BY HAND

Honorable Richard M. Berman
 United States District Court
 Southern District of New York
 United States Courthouse
 500 Pearl Street
 New York, New York 10007

RECEIVED SEP 26 2007 CHAMBERS OF RICHARD M. BERMAN U.S.D.J.	
<i>Conference</i> <i>Adjourned to 10/31/07 @</i> <i>9:15 AM</i>	
SO ORDERED: Date: <i>9/27/07</i> <i>Richard M. Berman</i> Richard M. Berman, U.S.D.J.	

Re: Trustees of the UNITE HERE National Health
 - v. - Bag Specialist, Inc. - 07 Civ. 6188 (RMB)

Dear Judge Berman:

We represent the plaintiffs in the above-referenced action to collect delinquent contributions pursuant to Section 515 of ERISA. For the following reasons, we are writing to respectfully request a brief adjournment of the initial pretrial conference scheduled for Friday, September 28, 2007 at 9:15 A.M. This is the second such adjournment request.

The action was commenced on July 3, 2007, and the summons and complaint was served on defendant on July 11, 2007. Plaintiffs served their first amended complaint on defendant on August 27, 2007. To date, defendant has not filed an answer, moved or otherwise responded to the summons and complaint or the amended complaint.

We have been advised that defendant has ceased business operations and anticipate that defendant will not appear in the action. As defendant has ceased operations, plaintiffs find it necessary to amend the complaint to reflect the amount of delinquent contributions up to the date of defendant's ceasing business operations so as to include all monies due in the instant action.


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Given that plaintiffs will require additional time to prepare and serve the second amended complaint, and defendant's failure to appear in the action, plaintiffs respectfully request that the Court adjourn the conference for thirty (30) days.

The Court's considerations are appreciated.

Respectfully submitted,



David C. Sapp (DS5781)

cc: Bag Specialist, Inc.